THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.13734 OF 2007

DATED: 28-09-2007

BETWEEN

Karri Nagapunyavathi,
W/o. Satyanarayana,
Occ: Cultivation,
R/o. Seesali Village,
Kalla Mandal,
West Godavari District
and another.

...PETITIONERS

AND

The District Collector,
West Godavari District,
Eluru and others.

...RESPONDENTS

ORDER:

None appears for the petitioners.

2. Petitioners seek a Writ of Mandamus to declare the action of the respondents in trying to dispossess them from the land in an extent of Ac.1.26 cents in belonging to the first petitioner and Ac.0.73 cents belonging to the second petitioner situated in Sy.Nos.289/2 and 289 respectively of Seesali Village, Kalla Mandal, West Godavari District.

3. It is the case of the petitioners that they are the owners of the aforesaid lands and they have been cultivating and enjoying the said lands without any interference whatsoever. While so, some persons claiming as people of the

respondent authorities including the Mandal Surveyor visited their lands on 24.06.2007 and tried to put concrete pillars and on information the petitioners rushed to their lands and questioned the illegal action of the respondents. It is stated that at the instance of the rival political party persons, the respondents are taking steps to dig drinking water tank in their lands. Though they welcome digging of drinking water tank in the village, it is very objectionable if the same is dug in their lands without initiating any proceedings under the Land Acquisition Act.

4. The respondents cannot dispossess the petitioners without following due procedure prescribed in law. However, I do not see any apprehension that the respondents are going to dispossess the petitioners from their respective lands without following due process of law. Had there been any attempt to dispossess the petitioners,
they would have made a representation before the respondents,
but no such representation is forthcoming.

The writ petition is accordingly dismissed with a liberty to the petitioners either to make a fresh representation before the respondents or to approach this Court as and when the respondents resort to any illegal action. There shall be no order as to costs.

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V. ESWARAIAH, J

September 28, 2007
DSK